

Introduced by Senator Margett

January 23, 2003

An act to add Section 11352.3 to the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 82, as introduced, Margett. Ecstasy: sale of minors.

Existing law classifies controlled substances into 5 schedules and places the greatest restrictions and penalties on the use of those substances placed in Schedule I. The drug 3,4-Methylenedioxymethamphetamine, also known as MDMA, XTC, or Ecstasy, is a psychoactive drug possessing stimulant and hallucinogenic properties that is not classified within any of the schedules under the state controlled substances law, but is classified as a Schedule I drug under the federal controlled substances law.

This bill would provide that every person 18 years of age or older who transports, sells, furnishes, administers, or gives away to a minor any amount of Ecstasy is guilty of a felony and shall be punished by imprisonment in the state prison for a period of 3, 4, or 5 years. By creating a new crime, this bill would impose a state-mandated local program upon local governments.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

1 SECTION 1. Section 11352.2 is added to the Health and
2 Safety Code, to read:

3 11352.2. (a) Except as otherwise provided in this division,
4 every person 18 years of age or older who transports, sells,
5 furnishes, administers, or gives away to a minor any amount of the
6 drug 3,4-Methylenedioxymethamphetamine, also known as
7 MDMA, XTC, or Ecstasy, is guilty of a felony and shall be
8 punished by imprisonment in the state prison for a period of three,
9 four, or five years.

10 (b) The punishment provided in this section shall be in addition
11 to, and shall not be limited by, any other punishment provided by
12 state or federal law.

13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.

